

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DONNA SKLUT,

Plaintiff,

STIPULATION AND ORDER OF
SETTLEMENT OF ATTORNEYS'
FEES, COSTS AND EXPENSES

-against-

11 CV 1640 (BMC)

THE CITY OF NEW YORK, POLICE OFFICER
JESSICA RONQUILLO, TAX REG. #937431, SGT.JOHN
ROJECKI, TAX REG. #933286, POLICE OFFICER
MICHAEL IZZO, SHIELD #7681, AND OTHER
UNKNOWN UNIDENTIFIED NEW YHORK CITY
POLICE OFFICERS FROM THE 111TH PRECINCT,
ALL INDIVIDUAL DEFENDANTS BEING SUED
BOTH INDIVIDUALLY AND IN THEIR OFFICIAL
CAPACITIES,

Defendants.

WHEREAS, plaintiff commenced this action by filing a complaint on or about April 4, 2011, alleging violations of his constitutional rights; and

WHEREAS, defendants have denied and continue to deny any and all liability arising out of plaintiff's allegations; and

WHEREAS, pursuant to the Stipulation and Order of Settlement and Dismissal, plaintiff assigned her right to attorneys' fees, costs, and expenses to his counsel; and

WHEREAS, counsel for defendants and counsel for plaintiff now desire to resolve the issue of attorneys' fees, costs, and expenses without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant The City of New York shall pay to plaintiff's counsel, Edward Zaloba, Esq., the sum total of EIGHT THOUSAND DOLLARS (\$8,000.00) in full satisfaction of plaintiff's attorneys' fees, expenses, and costs. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, costs, or expenses arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, costs, or expenses at any time.

2. In consideration of the payment of EIGHT THOUSAND DOLLARS (\$8,000.00) by the defendant The City of New York, counsel for plaintiff does hereby release and discharge defendants and any present or former employees and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses and costs which were or could have been alleged in the aforementioned action.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

4. This Stipulation and Order contains all the terms and conditions agreed upon by the counsel for defendants and counsel for plaintiff hereto, and no oral agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, costs, or expenses shall be deemed to exist or to vary the terms and conditions contained herein.

Dated: New York, New York
January 24, 2012

EDWARD ZALOBA, ESQ.
Attorney for Plaintiff
118-21 Queens Boulevard, Suite 504
Forest Hills, NY 11375
(718) 261-3000

By: Edward Zaloba
Edward Zaloba, Esq.
1-26-12

MICHAEL A. CARDODOZ
Corporation Counsel of the City of New York
Attorney for Defendants
CITY OF NEW YORK,
POLICE OFFICER JESSICA RONQUILLO,
SERGEANT JOHN ROJECKI, &
POLICE OFFICER MICHAEL IZZO
100 Church Street
New York, New York 10007
(212) 676-1307

By: B. J. M.
Gregory P. Mouton, Jr., Esq. Ben Kuruvilla, Esq.
Assistant Corporation Counsel

SO ORDERED:

HONORABLE BRIAN M. COGAN
UNITED STATES DISTRICT JUDGE